REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. **If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.**

The applicant will now address each of the issues raised in the outstanding Office Action. Before doing so, however, both the undersigned and John Pokotylo would like to thank Examiner Nguyen for courtesies extended during a telephone interview on December 21, 2010 (referred to as "the telephone interview"). The telephone interview is summarized here.

Telephone Interview Summary

This statement of the substance of the Interview summarizes the issues discussed during the December 21, 2010 telephone interview. This Interview Summary is presented in the format suggested in MPEP § 713.04 by the Patent Office.

Date of Interview: December 21, 2010

Type of Interview: Telephone

Name of Participants:

- Examiner: Tri V. Nguyen
- For Applicants: Len Linardakis
  John C. Pokotylo

A. Exhibit(s) Shown: None

B. Claims discussed: 1

C. References Discussed: Japanese Patent Application No. 2002-073680 ("the Mitsubishi publication")

D. Proposed Amendments discussed:

- Proposed amendments to the claims were discussed to overcome the rejection under 35 U.S.C. § 103. Specifically, the applicants' representatives discussed the features of dependent claims 31 and 32 with Examiner Nguyen.

E. Discussion of General Thrust of the Principal Arguments

- The applicants' representatives discussed the Examiner's § 103 rejection of claims 2, 31 and 32 in view of the Mitsubishi publication.

F. Other Pertinent Matters Discussed: None

G. General Results/Outcome of Interview

- Examiner Nguyen noted that he is broadly interpreting the recited phrase "generating an ad creative" as reading on selecting, identifying or merely serving a relevant ad, and not specifically

to dynamically creating or altering an ad creative using the terms of the search query entered.

- Examiner Nguyen suggested that that applicants amend the claims to clearly state that that advertising creative generator is "dynamically creating" the ad creative such that it will include at least one of the terms of the search query.

- Examiner Nguyen, noted that he did not see anything in the Mistubishi publication that taught the foregoing feature, but noted that additional search would be required.

Rejections under 35 U.S.C. § 103

Claims 2-5, 13-15, 17-19, 21, 27, 28 and 30-34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Application No. 2002-073680 ("the Mitsubishi publication"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 14, 27, 28, 31 and 32 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Next, independent claim 2, as amended, is not rendered obvious by the Mitsubishi publication because the Mitsubishi publication neither teaches, nor makes obvious, an advertising creative generator to ***create an advertising creative dynamically, using at least the characteristics of at least one such identified advertisement, to include in the corresponding advertisement, wherein the advertising creative generator***

further uses terms from the query to summarize the at least one of a product and a service described by the advertisement in the advertising creative dynamically.

During the telephone interview, Examiner Nguyen noted that he was broadly interpreting the previously recited phrase "generating an ad creative" as reading on selecting, identifying or merely serving a relevant ad, and not specifically to dynamically creating or altering an ad creative using the terms of the search query entered. Examiner Nguyen suggested that that applicants amend the claims to clearly state that the advertising creative generator is "dynamically creating" the ad creative such that it will include at least one of the terms of the search query.

Claim 2 has been amended recite that the advertising creative generator ***creates an advertising creative dynamically*** and uses ***terms from the query to summarize the at least one of a product and a service described by the advertisement in the advertising creative dynamically***. Thus, when a relevant advertisement is found to a specific search query, the terms of the query itself are used as part of the creative of the advertisement to summarize the product or service. This feature is supported, for example, on page 11, lines 5-14 and Figures 5A-5C of the present application.

Nothing in the Mitsubishi publication teaches this feature. Thus, claim 2, as amended, is not rendered obvious by the Mitsubishi publication for at least the foregoing reason. Claims 15 and 30 have been similarly amended and, therefore, are similarly not rendered obvious by the Mitsubishi publication. Since claims 3-5, 13 and 33 directly or indirectly depend from claim 2, and

since claims 17-19, 21 and 34 directly or indirectly depend from claim 15, these claims are similarly not rendered obvious by the Mitsubishi publication.

Claims 8, 11 and 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Mitsubishi publication in view of U.S. Patent Application Publication No. 2003/0050863 ("the Radwin publication") and U.S. Patent No. 6,216,129 ("the Elderling patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

First, since claims 8 and 11 have been canceled, this ground of rejection is rendered moot with respect to these claims.

Next, claims 22-25 indirectly depend from claim 15. The purported teachings of the Radwin publication and the Elderling patent would not compensate for the deficiencies of the Mitsubishi publication with respect to claim 15, as amended (discussed above), regardless of whether or not the Radwin publication and the Elderling patent teach what is alleged, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claims 22-25 are not rendered obvious by the cited references for at least this reason.

Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Mitsubishi publication in view of the Radwin publication. The applicants respectfully request that the Examiner reconsider and

withdraw this ground of rejection in view of the following.

Claim 20 depends from claim 15. The purported teachings of the Radwin publication would not compensate for the deficiencies of the Mitsubishi publication with respect to claim 15, as amended (discussed above), regardless of whether or not the Radwin publication teaches what is alleged, and regardless of the absence or presence of an obvious reason to combine these references. Consequently, claim 20 is not rendered obvious by the cited references for at least this reason.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain ***only*** to the specific aspects of the invention ***claimed***. Any claim amendments or cancellations, and any arguments, are made ***without prejudice to, or disclaimer of***, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Since the applicants' remarks, amendments, and/or filings with respect to the Examiner's objections and/or rejections are sufficient to overcome these objections and/or rejections, the applicants' silence as to

assertions by the Examiner in the Office Action and/or to certain facts or conclusions that may be implied by objections and/or rejections in the Office Action (such as, for example, whether a reference constitutes prior art, whether references have been properly combined or modified, whether dependent claims are separately patentable, etc.) is not a concession by the applicants that such assertions and/or implications are accurate, and that all requirements for an objection and/or a rejection have been met. Thus, the applicants reserve the right to analyze and dispute any such assertions and implications in the future.

Respectfully submitted,

February 28, 2011

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patent Office on the date shown below.

Leonard P. Linardakis
Type or print name of person signing certification

Signature

February 28, 2011
Date